

Planning Commission Communication

Department: Community Development Case #SUB-17-006 Applicant/Owner: Gerald Torczon T S Development LLC 11205 S. 150 th Street, Suite 100 Omaha, NE 68138 Engineer/Representative: Charles Huddleston P.E. Schemmer Associates Inc. 928 Valley View Drive, Suite 12 Council Bluffs, IA 51503	Resolution No. _____	Planning Commission: 9/12/17
<p style="text-align: center;">Subject/Title</p> <p>Request: Preliminary plan approval for a 19-lot residential subdivision to be known as Whispering Oaks Subdivision, Phase 2, legally described as being part of the SE1/4 NE1/4 of Section 5-74-43, City of Council Bluffs, Pottawattamie County, Iowa.</p> <p>Location: North of Greenview Road and west of Franklin Avenue.</p>		
<p style="text-align: center;">Background/Discussion</p> <p>The Community Development Department has received an application from T S Development, LLC requesting preliminary plan approval for a 19-lot residential subdivision to be known as Whispering Oaks Subdivision, Phase 2 (see Attachment 'A'). The proposed subdivision is comprised of 7.80 acres of land, which were voluntarily annexed into the City in 2015 (Case #AN-14-001). The lots in this proposed subdivision are numbered 27 through 34, 40 through 43, 44 through 47, 53 through 55 and 71 (see Attachment 'B'). All other lots shown on the submitted plans were approved as part of the original Whispering Oaks Subdivision preliminary plan in the year 2014 (Case #SUB-14-014). The applicant proposes to construct one single-family residential dwelling on each lot. All lots have direct access to a public road and will be fully served with utilities (e.g., sanitary/storm sewers, water, gas, electric, etc.). Two outlots are shown on the proposed subdivision plan. The first outlot abuts Lots 27 through 34 and is comprised of a 20 foot-wide strip of unincorporated land that runs parallel to Greenview Road. The developer proposes to utilize this outlot as a landscape buffer for residential dwellings in the subdivision that are adjacent to Greenview Road. The second outlot abuts Lots 40 through 43 and Lots 44 through 47. This outlot will function as a stormwater management feature for the Whispering Oaks Subdivision. All proposed outlots will be maintained by the Whispering Oaks Subdivision Homeowners Association.</p> <p><u>Current Zoning/Land Use</u> – The subject acreage and abutting property to the north are zoned R-1/Single-Family Residential District (see Attachment 'C'). Properties to the abutting east and west are located outside of the City's jurisdictional boundary and are zoned R-3 (County). Properties located south are zoned R-1/Single-Family Residential District. The future land use plan of the Bluffs Tomorrow: 2030 Plan (comprehensive plan) designates the subject property as Low Density Residential.</p> <p>The applicant owns 26.62 acres of land immediately east of this proposed subdivision and has requested it be annexed into the City in order to build a mixed commercial/residential project (Case #AN-17-001 - pending). The annexation was reviewed by the City Planning Commission on August 8, 2017 and will be considered City Council on September 11, 2017.</p>		

For reference purposes, the following attachments are included with this report:

- Attachment A: Letter of intent prepared by Gerald Torczon
- Attachment B: Preliminary subdivision plan
- Attachment C: Location/zoning map

Comments

1. Approval of the preliminary plan is tentative and does not constitute acceptance of the final plat, 'but is deemed to be an authorization to proceed with the preparation of the final construction plans or performance guarantee and the final plat' (§14.11.060.04-Subdivision Ordinance). A final plat application for the first phase must be filed within one year of the date of action by the City Council. A request for extension may be made by the sub-divider in writing prior to the expiration date. One year extensions are considered by the City Planning Commission. Subsequent phases are automatically granted a one year extension.
2. The proposed subdivision is comprised of 19 single-family residential lots. Each lot meets the minimum R-1 District lot size requirements. Two outlots are shown on the preliminary plan and are planned to be used as a landscape buffer and/or stormwater management feature for the Whispering Oaks Subdivision. All proposed outlots will be dedicated to the Whispering Oaks Subdivision Homeowner Association with the final plat.
3. All residential dwellings and accessory structures shall comply with the development standards stated in Section 15.08B, *R-1/Single-Family Residential District* of the Council Bluffs Municipal Code (Zoning Ordinance). Proposed Lots 27 through 34 directly abuts an outlot that is located outside of the City's jurisdictional boundary. For zoning purposes, the property line that abuts this outlot shall be considered a rear lot line.
4. All proposed lots will have direct access to new public street, which will be dedicated to the City of Council Bluffs. The street names for the two cul-de-sacs and the main boulevard shall be stated on the final plat. The applicant shall be responsible for obtaining approval from Pottawattamie County for the street connection onto Greenview Road.
5. All landscaping maintenance for the boulevard street shall be the responsibility of the Whispering Oaks Subdivision Homeowner Association and not the City.
6. The applicant at the request of the Pottawattamie County Engineering Department submitted a traffic impact study for the Whispering Oaks Subdivision that was prepared by the firm Felsburg Holt and Ullevig in July 2017. The study focused on Phase 1 (150 units) and a future phase (224 units) of the Whispering Oaks Subdivision. In summary, the study concluded the following:
 - a. No operational deficiencies are anticipated at the two major access intersections of Greenview Road and Melanie Circle and Franklin Avenue with Forest Glen Drive.
 - b. Minor vehicle delays can be expected to occur during the AM and PM peak time periods. Future site-generated traffic volumes are not large enough to warrant traffic signalization at any of the study intersections.
 - c. Traffic recommendations include: Installing stop controls at all study area intersections on the side street approaches; and preparing a separate traffic study for the future mixed-use development phase of the Whispering Oaks development.
7. All fill work shall be placed in accordance with the geotechnical report and per applicable standards, specifications and codes including benching of materials.
8. All sanitary and storm sewer paths outside of the right-of-way shall be placed within an easement and remain accessible for maintenance purposes. These utility easements must be shown on the final plat.

9. Stormwater management is required for both water quantity and quality.
10. The applicant has entered into a main extension agreement with the Council Bluffs Water Works for the proposed Whispering Oaks Subdivision, Phase 2. The water line is currently under construction.
11. Mid-American Energy requested a 10 foot-wide underground easement along the front and side lot lines that are adjacent to a right-of-way.
12. The Council Bluffs Fire Department has no comments for the proposed subdivision.
13. The Council Bluffs Parks and Recreation Department has no comments for the proposed subdivision.
14. All utilities shall be installed underground. All costs to construct, remove and/or relocate any utilities for the proposed subdivision shall be the responsibility of the applicant and not the City.
15. Sidewalks shall be installed along the street frontage of each lot at no expense to the City, prior to issuance of a certificate of occupancy for each house. Sidewalk installation along the street front of the outlot abutting proposed Lots 43 and 44 shall be completed by the applicant during the construction of the boulevard street.
16. All future street lights shall meet Public Works Department standards. All costs associated with the installation of street lights shall be the responsibility of the applicant and not the City.

Recommendation

The Community Development Department recommends approval of the preliminary plan for a subdivision to be known as Whispering Oaks Subdivision, Phase 2, as shown in Attachment 'B', subject to compliance with all above stated comments and the following conditions:

1. Approval of the preliminary plan is tentative and does not constitute acceptance of the final plat, but is 'deemed to be an authorization to proceed with the preparation of final construction plans or performance guarantee and the final plat'. (§14.11.060.04- Subdivision Ordinance).
2. With adequate engineering and construction controls, the land is suitable for the proposed development. Construction plans for streets, sanitary sewer and storm drainage shall be submitted to the Public Works Department for review and approval prior to beginning construction. Construction plans and comprehensive plans for grading, drainage and erosion control, including right-of-way during site preparation, utility installation and construction shall be submitted to the Public Works Department for review and approval prior to beginning any earth disturbing activity. All applicable permits necessary to meet local, state and federal requirements shall be the developer's responsibility.
3. All utilities shall be installed underground.
4. Sidewalks shall be installed along the street frontage of each lot at no expense to the City, prior to issuance of a certificate of occupancy for each house. Sidewalk installation along the street front of the outlot abutting proposed Lots 43 and 44 shall be completed by the applicant during the construction of the boulevard street.

Attachments

- Attachment A: Letter of intent prepared by Gerald Torczon
- Attachment B: Preliminary subdivision plan
- Attachment C: Location/zoning map

Prepared by: Christopher Gibbons, AICP, Planner

July 12, 2017

Ms. Rose Brown
Community Development Department
City of Council Bluffs
209 Pearl Street
Council Bluffs IA 51503

RE: Whispering Oaks Residential Subdivision
Letter of Intent
Council Bluffs IA
Project No. 6519.001

Dear Ms. Brown,

Submitted herewith are the following documents in support of this Letter of Intent:

- 10 full size copies of the Preliminary Plan
- 1 reduced size copy of the Preliminary Plan
- Application (w/ \$385.00 fee)
- 2 copies of the Final Design Drainage Report
- 2 copies of the Geotechnical Investigation
- 2 copies of a newly updated Traffic Impact Study

The Developer name and contact information is:

Gerald Torczon, Managing Partner
TS Development LLC
11205 South 150th Street, Suite 100
Omaha NE 68138
402.592.6942 office

In the fall of 2014 BHI had an option to purchase approximately 180 acres of land from the Katherine E. Williams Trust with plans to construct single family residences. Because a voluntary annexation request for 7.80 acres of this land had not been completed prior to our 2014 Preliminary Plan submittal we excluded said 7.80 acres from our submittal. Our 2014 Preliminary Plan was submitted and approved by the Planning Commission and City Council.

BHI executed their option, purchased the land and transferred ownership to their development company, TS Development LLC. This current Preliminary Plan submittal provides information on dedicating public right-of-way, constructing streets and platting residential lots within that 7.80 acres which was previously excluded. Street names will be coordinated with City staff. The proposed out-lots are intended to be used as a landscaping buffer between Greenview Road and the proposed residential lots. Out-lots will be owned and maintained by the Homeowners Association. A draft of the Homeowners Association language has been submitted to the City Attorney.

Ms. Rose Brown
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In February of this year we began meeting with Council Bluffs and Pottawattamie County staff regarding the disposition of lands located within the City and within the County along Greenview Road. In response to those meetings and conversations we commissioned an updated Traffic Impact Study which we have included with this submittal. In addition, we are transmitting a copy of all materials contained within this Preliminary Plan submittal to Pottawattamie County Planning and Engineering staff.

The site is currently above the 100 year flood plain. Drainage will be collected in storm sewers which we will dedicate as public. Both the Drainage Report and Geotechnical Investigation are attached herewith. Storm water detention is being provided such that the amount of post development discharge is limited to pre-development levels. Details of specific storm water management strategies were developed during final design.

Construction within the 7.80 acres will include sanitary sewers, storm sewers, paving, water, electricity, natural gas and communications utilities. We anticipate construction of the infrastructure will be completed later this year.

We are requesting this project be advanced to the Planning Commission at the earliest possible meeting date. If you have any questions or comments please feel free to contact either Charles Huddleston, Project Manager with The Schemmer Associates Inc. or myself at 402.592.6942 office. We look forward to your favorable response.

Sincerely,
TS Development LLC


Gerald Torczon
Managing Partner

CC: Neil Smith (BHI), Charly Huddleston (TSA)